

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOSEPH JERROD,)	
)	
Plaintiff,)	
)	
v.)	No. 4:07-CV-1708-SNL
)	
CHARLES CHASTAIN, et al.,)	
)	
Defendants.)	

ORDER AND MEMORANDUM

This matter is before the Court upon the application of Joseph Jerrod for leave to commence this action without prepayment of the filing fee pursuant to 28 U.S.C. § 1915. Upon consideration of the financial information provided with the application, the Court finds that plaintiff is financially unable to pay any portion of the filing fee. Therefore, plaintiff will be granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a).

28 U.S.C. § 1915(e)

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court may dismiss a complaint filed in forma pauperis if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief. An action is frivolous if "it lacks an arguable basis in either law or in fact." Neitzke v. Williams, 490 U.S. 319, 328 (1989). An action fails to state a claim upon which relief can be granted if it does not plead "enough facts to state a claim to

relief that is plausible on its face." Bell Atlantic Corp. v. Twombly, 127 S. Ct. 1955, 1974 (2007).

In reviewing a pro se complaint under § 1915(e)(2)(B), the Court must give the complaint the benefit of a liberal construction. Haines v. Kerner, 404 U.S. 519, 520 (1972). The Court must also weigh all factual allegations in favor of the plaintiff, unless the facts alleged are clearly baseless. Denton v. Hernandez, 504 U.S. 25, 32-33 (1992).

The Complaint

Plaintiff brings this action pursuant to 42 U.S.C. § 1983. After carefully reviewing the complaint, the Court finds that plaintiff does not allege any facts that would entitle him to relief. Furthermore, the action is duplicative of previous suits that this Court has dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B). See Jerrod v. Farmington Correctional, No. 4: 07-CV-1567-SNL (E.D. Mo., dism'd Sept. 17, 2007); Jerrod v. Rainwater, No. 4:07-CV-1614-SNL (E.D. Mo., dism'd March 13, 2007); Jerrod v. Rainwater, No. 4:06-CV-763-SNL (E.D. Mo., dism'd June 9, 2006). As such, the instant complaint will be dismissed as legally frivolous. See Aziz v. Burrows, 976 F.2d 1158, 1158-59 (8th Cir. 1992); Van Meter v. Morgan, 518 F.2d 366, 368 (8th Cir. 1975).

In accordance with the foregoing,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall not issue process or cause process to issue upon the complaint, because the complaint is legally frivolous and/or fails to state a claim or cause of action. See 28 U.S.C. § 1915(e)(2)(B).

An appropriate order of dismissal shall accompany this Order and Memorandum.

Dated this 11th day of January.

A handwritten signature in black ink, reading "Stephen T. Limbaugh". The signature is written in a cursive, flowing style. The first name "Stephen" is followed by a middle initial "T." and the last name "Limbaugh".

SENIOR UNITED STATES DISTRICT JUDGE